



**REPORT of
CHIEF EXECUTIVE**

to
**CENTRAL AREA PLANNING COMMITTEE
18 OCTOBER 2017**

Application Number	FUL/MAL/17/00593
Location	Osea Road Camp Site Goldhanger Road Heybridge Essex
Proposal	Change of use of inner field from touring caravans 1st April - 30th September to static caravans 1st March - 31st November in line with current static caravan timings
Applicant	Mr Chris Powdrill
Agent	-
Target Decision Date	25 September 2017
Case Officer	Kathryn Mathews, TEL: 01621 875805
Parish	HEYBRIDGE EAST
Reason for Referral to the Committee / Council	Major Application

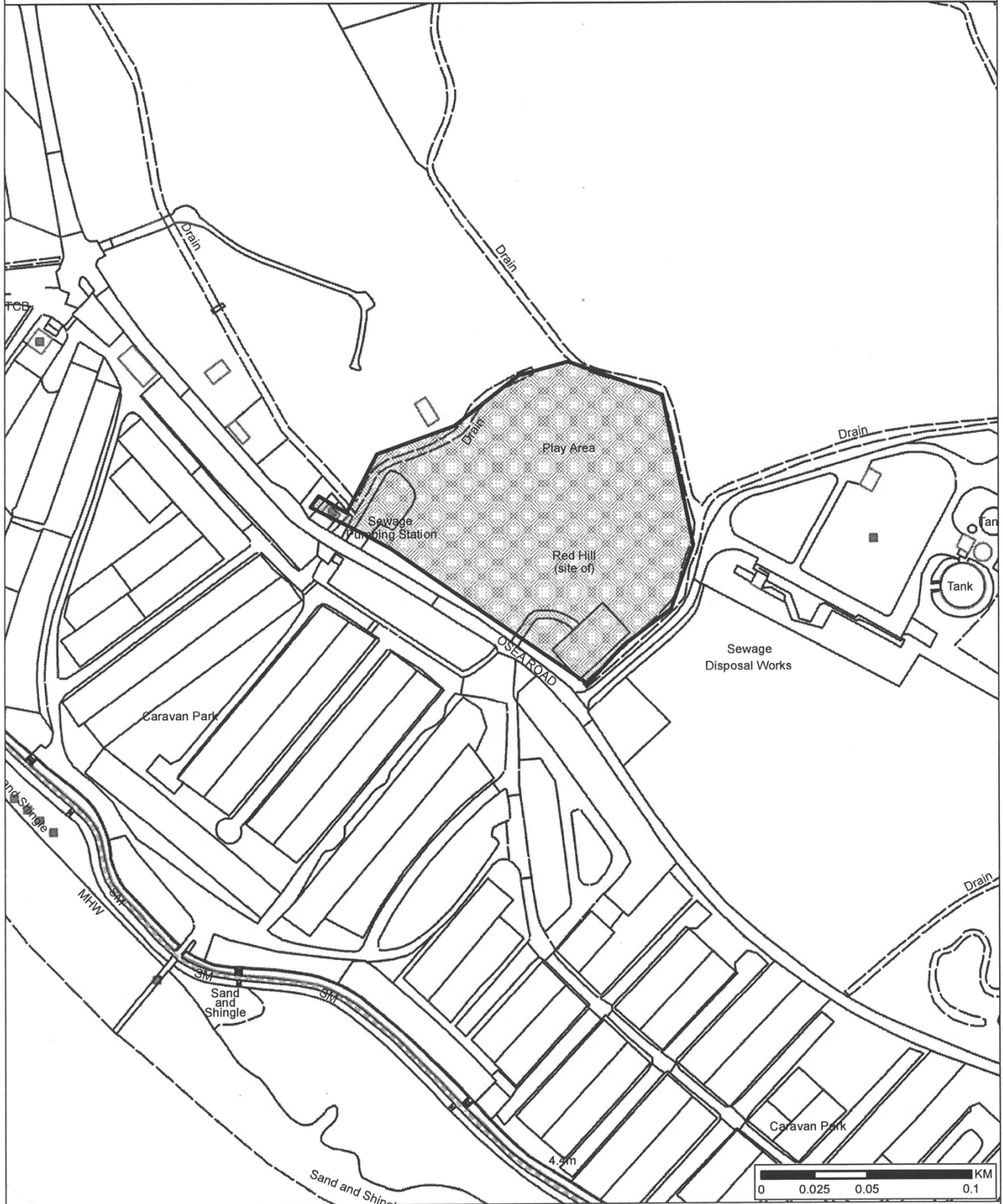
1. **RECOMMENDATION**

REFUSE for the reasons as detailed in Section 8 of this report.

2. **SITE MAP**

Please see overleaf.

Osea Road Camp Site, Goldhanger Road, Heybridge
FUL/MAL/17/00593



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 Maldon District Council 100018588 2014


 MALDON DISTRICT COUNCIL

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Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	Central Committee
Date:	05/10/2017
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the north-eastern side of Osea Road adjacent to a sewage treatment works to the north-east. The application site extends to 1.48ha in area.
- 3.1.2 The proposal is described as ‘Change of use of inner field from touring caravans 1 April - 30 September to static caravans 1 March - 31 November in line with current static caravan timings’.
- 3.1.3 The wider Osea Leisure Park site is outside the defined settlement boundary. It consists of static caravans occupied for holiday purposes and a small number of timber lodges used for the same purpose. All static caravans and lodges are located to the west side of Osea Road.
- 3.1.4 The whole site is within Flood Zone 3a and is also within the ‘cordon sanitaire’ surrounding the nearby sewage pumping station. Access is taken off Goldhanger Road (the B1026) to the north and via a private road (Osea Road). The road passes by the grounds of the leisure park providing vehicular access to Osea Island.
- 3.1.5 This application relates to a field on the opposite side of the access road to the main leisure park complex. Currently the field is rough grassland with a small amount of play equipment surrounded by boundary hedgerows and a bund along the southern boundary of the site.
- 3.1.6 The new caravans would be 12.7m in length x 5m in width and 4m in height. The 20 caravans would be arranged around the edge of the field, 6m apart, and around a circular access which would enclose an area of trees, water and seating. External lighting in the form of bollards forms part of the proposal.
- 3.1.7 As part of the application, the applicant makes the following statements:
- the field accommodates up to 45 touring pitches. The proposal is for up to 20 permanent static caravans along with planting, water features and seating areas to encourage wildlife and ‘increase the standard of the area’.
 - the proposal would result in a significant reduction in traffic on Osea Road, decreasing pollution and noise.
 - in terms of flood risk, the flood risk would be no different to the current development and there would be no need to change the evacuation plan.
 - the proposed caravans would start approximately 20m from the existing static caravans on the main Osea Leisure Park.

3.2 Conclusion

- 3.2.1 Having assessed the proposal, it is considered that the proposed development would be unacceptable. The proposal would be located in an unsustainable location and would cause harm to the character and appearance of the area. There is also insufficient information available to conclude that the proposal passes the Exceptions Test and so be acceptable from the flood risk perspective. In the absence of any

demonstrated benefits to outweigh this harm, the proposal is contrary to the relevant Policies of the Approved Local Development Plan and it is recommended that planning permission is refused.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2012 including paragraphs:

- Core Planning Principles
- Section 3 Supporting a Prosperous Rural Economy
- Section 7 Requiring Good Design
- Section 10 Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 11 Conserving and Enhancing the Natural Environment

4.2 Maldon District Approved Local Development Plan 2017:

- Policy S1 – Sustainable Development
- Policy S7 – Prosperous Rural Community
- Policy S8 – Settlement Boundaries and the Countryside
- Policy D1 - Design Quality and the Built Environment
- Policy D5 – Flood Risk and Coastal Management
- Policy E5 – Tourism
- Policy N2 – Natural Environment, Geodiversity and Biodiversity
- Policy T2 – Accessibility
- Policy H4 – Effective Use of Land

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

5. MAIN CONSIDERATIONS

5.1 The main issues which require consideration as part of the determination of this application are the principle of the development, the impact on the character and appearance of the area, the impact of the development on the natural environment / biodiversity, highways / parking considerations and drainage / flooding. There are no existing residents close enough to the site to be adversely affected by the development proposed.

5.2 Principle of Development

5.2.1 The application site is located outside the defined development boundaries of Heybridge and within the countryside. The proposal would be contrary to the Council's spatial strategy of focusing new development within settlement boundaries.

The application site forms part of a larger site which was granted planning permission in 2011 for seasonal use for touring and camping use including tepees and garden arks. Planning permission was granted for this development on the basis that the use was to diversify the types of holiday accommodation offered at the holiday park and as the structures required were temporary in nature and were to be removed when not in use / for the closed season. The approved plans do not show any accommodation on the land the subject of this application (the land was shown to be a play area). Furthermore, condition 2 requires development to be undertaken in accordance with the approved plans and condition 7 prevents the use of the site for static caravans.

5.2.2 Policy S7 supports tourism within the District but subject to other Policies within the Local Development Plan (LDP), including Policy E5 and N2.

5.2.3 With reference to the criteria of Policy E5:

- there is no identified need for the type of use proposed within the LDP. The applicant has not put forward any economic or tourism based case for the current proposal in terms of its scale, location or and unmet need for fixed caravans within the District. It is considered that the provision of tourist accommodation should be provided for through a systematic and robust process that highlights type and location of need rather than through ad-hoc and un-evidenced planning applications.
- there are not good connections with other tourist destinations, the green infrastructure network and local services. The occupiers of the mobile homes would be highly dependent on car travel to undertake their journeys. The proposal would, therefore, also fail to accord with Policy S1, which seeks to direct development within settlement boundaries.
- there would be a significant detrimental impact on the character and appearance of the area (see below).
- it has been demonstrated that an adverse impact on the natural environment would be avoided wherever possible and that suitable mitigation could be put in place if an adverse impact were to occur (see below).

5.2.4 If planning permission were to be granted, conditions could be imposed as recommended by the Environmental Health Officer to avoid the site being used for residential purposes or temporary accommodation other than holiday use.

5.3 **Impact on the Character and Appearance**

5.3.1 The application site is currently, predominately a field within the rural, coastal environment of the District which contains a dispersed pattern of development. Whilst the current application site formed part of a larger site with planning permission for use by touring caravans etc. (reference FUL/MAL/11/00111), this part of the site was proposed as grassland with a small play area. Even if this part of the site were to be in use for touring caravans, the current proposal is materially different in nature and extent as the proposed mobile homes and the associated works would be permanently on site. Also, rather than being in use only in summer (when the visual impact is reduced by foliage) the structures would be on site all year around, thereby, having a substantial visual impact.

5.3.2 On the basis of the above, the static mobile homes would have a materially greater visual impact on the site and its surroundings as a result of their size, bulk and light colour. It is therefore considered that the proposal would be visually incongruous and cause material harm to the character and appearance of the area.

5.3.3 Therefore, the proposal is considered to be unacceptable and contrary to Policies D1, E5 and S8 of the Maldon District Approved Local Development Plan.

5.3.4 If planning permission were to be granted, conditions could be imposed as recommended by the Environmental Health Officer relating to lighting.

5.4 **Access, Parking and Highway Safety**

5.4.1 Access to the proposed development would be via an existing accessway located across adjoining land which was also subject to the 2011 planning permission (FUL/MAL/11/00111). There would be sufficient space within the site to accommodate parking for the occupiers of the proposed mobile homes. The Highways Officer raises no objection to the proposal. As a result of the nature and scale of the development proposed and the proposed use of an existing vehicular access, it is considered that the proposal does not raise highway safety concerns. The proposal is, therefore, compliant with Policies T2 and D1 of the Maldon District Approved Local Development Plan.

5.5 **Flooding / Drainage**

5.5.1 The Environment Agency has advised that the site is located within flood zone 3a (high probability of flooding) and that the proposed use is classified as a 'more vulnerable' development than that which exists. Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA).

5.5.2 Sequential Test

5.5.2.1 The aim of this test is to steer new development to areas with the lowest probability of flooding (para 101 of NPPF). It is the responsibility of the applicant to provide evidence that there are no available sites within an area of lower probability of flooding as part of the sequential test. It's important to note that this requirement does not only relate to land in the applicants control or available to the applicant.

5.5.2.2 There has been no submission as part of the application that demonstrates that there are no available sites appropriate for the proposed development in areas with a lower probability of flooding and would be acceptable from the flood risk perspective. contrary to Policy D5 of the Maldon District Approved Local Development Plan.

5.5.3 Exceptions Test

5.5.3.1 The Exceptions Test is set in paragraph 102 of the NPPF, is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. The Test essentially requires that the development will provide wider sustainability benefits to the community that

outweigh flood risk, and that it is will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall. As the Sequential Test has not been passed it is not necessary to undertake the Exceptions Test. However, for the sake of completeness, the proposal will also be assessed against the Exceptions Test.

- 5.5.4 In terms of wider sustainability benefits to the community, as stated above, the applicant has not put forward any economic or tourism based case for the current proposal. Therefore, there is insufficient information available to be able to afford this matter anymore than very limited weight.
- 5.5.5 The application is accompanied by a document entitled 'Mitigating Factors with respect to Flood Risk Assessment' but not a site specific flood risk assessment. However, based on the Environment Agency's advice, it is considered that the proposal would not increase flood risk elsewhere and also be safe for the lifetime of the proposal but provided that the hold the line Shoreline Management Plan (SMP) policy is followed and the defences are raised in line with climate change, which is dependent on future funding.
- 5.5.6 In terms of residual risk, the document submitted does not explore the risk of a breach of the defences and the Maldon Strategic Flood Risk Assessment (SFRA) does not cover this area. The Environment Agency suggests that the applicant could be asked to provide a breach assessment for the development site in their FRA in order for a more informed decision on flood risk to be made.
- 5.5.7 A topographic survey to GPS levels in mAOD has not been provided so it is not possible to compare flood levels to site levels to determine any depth of flooding. These were submitted in 2011 and do not appear to be supportive. The Environment Agency suggests that a worst-case scenario during the 0.5% (1 in 200) annual probability including climate change breach flood event is 5.07mAOD. The Agency advises that a Flood Warning and Evacuation Plan is necessary to ensure the safety of the development in the absence of safe access in the event of a breach flood.
- 5.5.8 In summary, the submitted FRA is not considered to be satisfactory, failing to demonstrate that the proposed development would be safe for occupants. Therefore, the development is contrary to guidance and advice contained in the National Planning Policy Framework and the National Planning Practice Guide as well as policy D5 of the Maldon District Submission Local Development Plan.
- 5.5.9 An FRA accompanied the 2011 planning application. Touring caravans, which could be moved to safe / dry ground, were considered to be low risk and, therefore, the application was supported. The static caravans proposed would be at greater risk than the approved tourers (according to the 2011 FRA), especially as the Environment Agency has required that they are fixed to the ground.
- 5.5.10 The Community Safety Officer recommends a condition that a suitable flood water evacuation plan is developed for the site and communicated to staff and customer.
- 5.5.11 A consultation response has not been received from the Sustainable Urban Drainage Systems (SUDS). The Environment Agency recommend that the static caravans are fixed to the ground which would require concrete bases resulting in a minor increase

in surface water run-off but surface water and foul drainage details could be required by condition, if necessary.

5.6 Natural Environment

- 5.6.1 Natural England originally objected to the proposal on the basis that the proposal would have an adverse impact on the integrity of the Blackwater Special Protection Area (SPA) and Ramsar as well as damage or destroy the interest features for which the Blackwater Site of Special Scientific Interest (SSSI) has been notified. However, their objection was subsequently withdrawn on the basis of additional information provided to them by the applicant. On the basis of their most recent consultation response, it is concluded that the proposal will not have an adverse effect on the integrity of the Blackwater Special Protection Area and Ramsar or damage or destroy the interest features for which the Blackwater SSSI has been notified, in compliance with Policy N2 and Policy D1 of the Maldon District Approved Local Development Plan.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/11/00111** – Change of use of land to accommodate a camping and touring park. Approved.

The current application site forms part of the application site the subject of the above planning permission. That application stated that 4.5ha would be utilised for touring caravans, tent pitches, self-catering tents, tepees and GardenARKS (cabin style eco-driven accommodation), for seasonal use, with the remaining 1 hectare being returned to grazing rare breed cattle. This hectare would be southeast part of the site closest to the Sewage Treatment Works and is the land the subject of the current application.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Heybridge Parish Council	Recommends that planning permission is granted.	Noted.

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Highways	No objection.	Noted.
Essex and Suffolk Water	No objection.	Noted.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Natural England	Initially objected on the basis that the proposal will have an adverse effect on the integrity of the Blackwater Special Protection Area and Ramsar as well as damage or destroy the interest features for which the Blackwater SSSI has been notified. However, this objection has since been withdrawn following the receipt of further information from the applicant.	See 'Natural Environment' section above.
Environment Agency	Raises no objection provided that the Shoreline Management Plan is taken forward (but which is dependent on future funding), the proposal passes the Sequential and Exception Tests, the proposal will be safe for its lifetime and conditions are imposed.	See 'Flooding / Drainage' section above.
SUDS	No reply at the time of writing report.	
Anglian Water Authority	No reply at time of writing report.	

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Community Safety Officer	Recommends condition that a suitable flood water evacuation plan is developed for the site and communicated to staff and customers.	Noted.
Environmental Health	No objection, subject to conditions regarding lighting and to avoid the site being used for residential purposes or temporary accommodation other than holiday use.	Noted.
Countryside and Coast Officer	Objects as caravans would be an intrusion into this flat, open marshland landscape due to their light colouring and any intensification of this use should be resisted.	Refer to 'Impact on the Character and Appearance'.

7.4 **Representations received from Interested Parties** (*summarised*)

7.4.1 No letters of representation have been received.

8. PROPOSED REASONS FOR REFUSAL

- 1 The application site is remote from community facilities, in a countryside location. No justification or evidence has been provided as part of the application to demonstrate the need for the additional tourist accommodation within the Heybridge area, contrary to policies S1 and E5 of the Maldon District Approved Local Development Plan.
- 2 The development would be located within a countryside location and would cause harm to the character and appearance of the open, flat, coastal, low lying landscape within which the site is location. As a result, the proposal would be a visually incongruous and cause material harm to the intrinsic beauty, character and appearance of the area, contrary to Policies S1, S7, S8, D1 and E5 of the Maldon District Approved Local Development Plan.
- 3 There is insufficient information available to conclude that the proposal passes the Sequential Test or the Exceptions Test and would be acceptable from the flood risk perspective, contrary to Policy D5 of the Maldon District Approved Local Development Plan.